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PATENT
Docket No. 564462003801

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Norman Green

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5

In the application of:

Gerhard FREY et al.

Serial No.: 10/501,592

Filing Date: Int'l. January 14, 2003

For: METHODS FOR MAKING
POLYNUCLEOTIDES AND
PURIFYING DOUBLE-STRANDED
POLYNUCLEOTIDES

Confirmation No.: 2654

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice to File Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US), mailed September 22, 2004. Filed herewith is a Petition and fee for a two (2) month extension of time, thereby extending the deadline for response to Saturday, January 22, 2004. Accordingly, this response is timely filed.

Please enter the following Sequence Listing and remarks.

In the Sequence Listing:

Please insert the attached paper copy of the Sequence Listing (pages 1-13) after the Abstract in the above-mentioned application. A computer readable form copy (CRF copy) of the Sequence Listing accompanies this response.

REMARKS

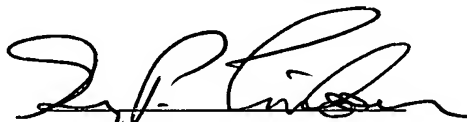
The undersigned hereby states that the computer readable form copy (CRF copy) of the Sequence Listing and the paper copy of the Sequence Listing (pages 1-13), submitted in accordance with 37 C.F.R. § 1.825(a) and (b), respectively, are the same and contain no new matter. Accordingly, entry of the Sequence Listing into the above-captioned case is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 564462003801. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: January 24, 2005

By:



Gregory P. Einhorn
Registration No. 38,440

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 564462003801
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/501,592
INTERNATIONAL APPLICATION NO. PCT/US03/01189	INTERNATIONAL FILING DATE 14 January 2003	PRIORITY DATE CLAIMED 14 January 2002
TITLE OF INVENTION METHODS FOR MAKING POLYNUCLEOTIDES AND PURIFYING DOUBLE-STRANDED POLYNUCLEOTIDES		
APPLICANT(S) FOR DO/EO/US Gerhard FREY et al.		

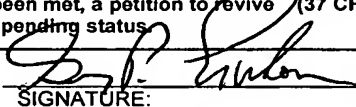
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☐ is attached hereto (required only if not communicated by the International Bureau).
 - ☐ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (2 pages)
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ A preliminary amendment.
- ☐ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. (1 Diskette)
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: Petition for 2 Month Extension of Time Under 37 CFR 1.136(a) (1 page)
Response to Notice to File Missing Requirements (3 pages)
Copy of Notice to File Missing Requirements (2 pages)
Paper Sequence Listing (13 pages); and Return Receipt Postcard

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/501,592		INTERNATIONAL APPLICATION NO. PCT/US03/01189		ATTORNEY'S DOCKET NUMBER 564462003801	
21. The following fees are submitted:					
<input type="checkbox"/> a) Basic national fee \$300.00				\$	
<input type="checkbox"/> b) Examination fee \$200.00				\$	
<input type="checkbox"/> c) Search fee \$500.00				\$	
TOTAL OF ABOVE CALCULATIONS = \$1000.00				\$	0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x	\$	
Independent claims	- 3 =		x	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+	\$	
Fee for 2 Month Extension of Time under 37 CFR 1.136(a) =					450.00
TOTAL OF ABOVE CALCULATIONS =				\$	580.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	290.00
SUBTOTAL =				\$	290.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	290.00
02/03/2005 MAYPAGH 00000044 031952 10501592 01 FC:2617 65.00 DA				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>03-1952</u> in the amount of \$ <u>290.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-1952</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Gregory P. Einhorn Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500 San Diego, CA 92130 (858) 720-5133			SIGNATURE:  NAME: Gregory P. Einhorn REGISTRATION NUMBER: 38,440		
CUSTOMER NUMBER: 45975					

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 391856677 US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 24, 2005

Signature:  (Norman Green)